

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOE HAND PROMOTIONS, INC.,)	CASE NO. 1:08-cv-01332
)	
)	
Plaintiff,)	MAGISTRATE JUDGE
)	NANCY A. VECCHIARELLI
v.)	
)	
GEORGE J. MCPHERSON, et al.,)	ORDER
)	
Defendants.)	

This case is before the magistrate judge by consent. Before the court is the motion of defendants, George J. McPherson and Pearl Road Management, Inc., for a protective order limiting the discovery of records sought by plaintiff, Joe Hand Promotions, Inc., from non-party Direct TV. Motion, Doc. No. 22.

Local Civil Rule 37.1 ("R. 37.1") governs the conduct of discovery disputes in the United States Court for the Northern District of Ohio. Rule 37.1 provides in relevant part:

(1) Discovery disputes shall be referred to a Judicial Officer only after counsel for the party seeking the disputed discovery has made, and certified to the Court the making of, sincere, good faith efforts to resolve such disputes.

(2) The Judicial Officer may attempt to resolve the discovery dispute by telephone conference.

(3) In the event the dispute is not resolved by the telephone conference, the parties shall outline their respective positions by letter and the Judicial Officer shall attempt to resolve the dispute without additional legal memoranda.

(4) If the Judicial Officer is unable to resolve the dispute, the parties may file their respective memoranda in support of and in opposition to the requested discovery by a date set by the Judicial Officer

Defendants do not certify or even contend that they have engaged in sincere, good faith efforts to resolve their dispute prior to filing their motion. As defendants have failed to observe R. 37.1 before filing their motion, the motion is denied.

The court orders the parties to confer regarding this issue. If the parties agree that there is a dispute and the dispute cannot be resolved after good faith efforts to do so, the parties are to contact the court's deputy, Wanda Golden, at (216) 357-7130 to set a time for a telephone conference with the court.

IT IS SO ORDERED.

s/ Nancy A. Vecchiarelli
NANCY A. VECCHIARELLI
U.S. MAGISTRATE JUDGE

Date: September 15, 2008